

APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, July 12, 2012 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD

1. Convene Meeting

Secretary and Acting Chairman F. Lollie convened the meeting at 7:00 p.m. and established a quorum of members.

Present: Secretary and Acting Chairman F. Lollie (until Vice Chairman Blessey's arrival at 7:12 p.m.), C. Lynch, Alternate and Voting Members J. Cordisco, J. Varda* and R. Ziembicki, Acting and Vice Chairman Blessey (arrived at 7:12 p.m.)

Absent: M. Grimes, Chairman W. Mercer

Also Present: Zoning Enforcement Officer A. Dew, Recording Secretary D. Cioffi

**Alternate Commissioner Varda was a Voting Member until Vice Chairman Blessey's arrival at 7:12 p.m., and again where indicated by *.*

2. Show Cause Hearing: None.

3. Land Use Enforcement

a. Enforcement Officer's Report:

Requests for Voluntary Compliance

273 Whisconier Road, #201200123 – An application for a variance has been filed and will be heard at the August Zoning Board of Appeals meeting.

28 Del Mar Drive, #201200421 – Unapproved parking continues to take place on the site. The Commission requested that a Cease and Desist Order be issued.

14 Knollcrest, #201200493 – The property owner has been requested to provide proof of change in ownership by July 20, 2012.

85 Ironworks Hill Road, #201200509 – A Request for Voluntary Compliance was sent, and there has been no response. The Commission requested that a Cease and Desist Order be issued.

53 Huckleberry Hill Road, #201200554 – It was determined by the Assessor's Office that work had been done on this house. A "For Rent" sign was discovered in front of the house. The property owner advised it has been rented since the 1930's, but ZEO Dew researched the issue and found out it has been rented since 1985. It was then converted from a horse barn to a cottage, so it cannot be grandfathered. The property owner is completing an application for an elderly conversion, and will be present at the August 9, 2012 meeting.

6 Lillinonah Drive, #201200578 – There are 10-15 cars in the front yard. A Request for Voluntary Compliance was sent to the property owner.

11 Nicole's Court, #201200331 – Attorney Buchsbaum has advised that the easement issue is a civil matter. He will send a letter to the property owner regarding compliance for the vehicles and the designated drive. Photographs were reviewed.

Citation

227 Federal Road, #201200521 – A citation was issued, and the fines should be paid within the next few days.

Town Counsel Action

20 Station Road, #200101116 - No change.

533 Federal Road, #2012000122 – Town Counsel has sent a draft of the Temporary Injunction related to the Zoning and Inland Wetlands matters.

45 Riverford Road, #200900768 – This property has gone through bankruptcy. Town Counsel believes the item should be removed from the report because there are no visible violations.

Commissioner Lynch moved to remove 45 Riverford Rd., #200900768, from the ZEO report. Secretary and Acting Chairman Lollie second the motion, and it carried unanimously.

1 High Ridge Road, #201000315 – Special Counsel P. Olson is this handling this matter.

9 Stoney Farm Lane, #201100095 – Special Counsel P. Olson was attempting to contact Mr. Moss. ZEO Dew will follow up with Attorney Olson.

54 Ironworks Hill Road, #201100755 – Attorney Buchsbaum has advised that if town pursues and succeeds with an injunction against the property owners, who are living in Georgia, it would have to pay for the clean-up as well as legal expenses. He suggested waiting until the end of this month to see if the property owners pay their taxes.

b. Enforcement Correspondence:

1. Letter from Attorney Robert E. Ghent to Zoning Commission dated 6/27/12 Re: Affiliated Realty, LLC – Marciniak – 22 Beech Tree Road – Use, Occupancy, Storage & Parking – Recreational Vehicle

There was a brief discussion regarding this matter going before the ZBA.

4. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 6/25/12; Zoning Board of Appeals; Planning Commission 6/21/12; Zoning Sub-Committee**

No discussion/no motions.

5. Public Hearing: None

6. Old Business: None.

1. Convene Meeting

- a. **Review Minutes of Previous Meetings: 6/14/12, 6/28/12** – Not a sufficient number of members present eligible to vote on approval of these Minutes at this time.

Commissioner Lynch moved to go to Agenda Item 7a. Acting Chairman and Secretary Lollie seconded the motion, and it carried unanimously.

7. New Business:

- a. **540 Federal Road #201200586: Site Plan Modification to change driveway location and add retaining walls to minimize impacts to wetlands / watercourses (dec date 9/15/12)**
 - **Request for Permit Transfer:** Transfer from Town of Brookfield to Aquarion Water Company for Permit #201101017
 1. Map titled “Water Storage Tank Site Plan” prepared by CCA, LLC dated 11/29/11 revised 6/20/12

Vice Chairman Blessey arrived at 7:12 p.m. and took over as Acting Chairman.

S. Sullivan, PE, CCA, 40 Old New Milford Road, was present. He explained that ZEO Dew discovered that the driveway configuration previously approved by Zoning was different from that approved by the Inland Wetlands Commission. Additionally, Mr. Sullivan is seeking a permit transfer from the Town to Aquarion Water Company.

Due to Vice Chairman Blessey’s arrival, Alternate Varda was no longer a Voting Member.

Secretary Lollie moved to approve the Site Plan Modification for #201200586, 540 Federal Road, to change the driveway location and add retaining walls to minimize the impacts to the wetlands/watercourses. Commissioner Lynch seconded the motion, and it carried unanimously.

Secretary Lollie moved to approve the request for permit transfer from the Town of Brookfield to Aquarian Water Company, for 540 Federal Road, permit #201101017. Commissioner Lynch seconded the motion, and it carried unanimously.

- b. **40 & 64 Laurel Hill Road (The Residences at Laurel Hill) #201200588: Design Review for a proposed incentive housing project with a total of 72 two bedroom units in 3 separate buildings totaling 28, 125 square feet (dec date 9/15/12)**
1. Letter from Abigail Adams, Project Manager to W. Mercer dated 7/5/12 Re: The Residences at Laurel Hill Incentive Housing Development, 40-64 Laurel Hill Road
 2. Development Report For Residences at Laurel Hill prepared by CCA, LLC dated 6/20/12 revised 7/5/12
 3. Map Cover Sheet titled “The Residences at Laurel Hill Proposed Incentive Housing Development” prepared by CCA, LLC dated 6/20/12 revised (drainage layout) 7/2/12
 - “General Legend, Notes And Abbreviations” dated June 2012 revised 7/2/12 – sheet N1
 - “Boundary Survey” dated 5/10/12, revised 6/6/12 – sheet 1 of 1
 - “Existing Conditions Plan” dated 6/6/12 – sheet 1 of 1
 - “Layout And Materials Plan” dated 6/6/12, revised 7/2/12 – sheet C1
 - “Grading And Drainage Plan” dated 6/6/12, revised 7/2/12 – sheet C2
 - “Utilities Plan” dated 6/6/12, revised 7/2/12 – sheet C3
 - “Landscape Plan” dated 6/6/12, revised 7/2/12 – sheet C4
 - “Erosion Control Plan” dated 6/6/12, revised 7/2/12 – sheet C5
 - “Notes And Details” dated 6/6/12, revised 7/2/12 – sheet C6
 - “Notes And Details” dated 6/6/12, revised 7/2/12 – sheet C7
 - “Notes And Details” dated 6/6/12, revised 7/2/12 – sheet C8
 - “Notes And Details” dated 6/6/12, revised 7/2/12 – sheet C9
 - “Notes And Details” dated 6/6/12, revised 7/2/12 – sheet C10
 - “Notes And Details” dated 6/6/12, revised 7/2/12 – sheet C11
 - “Sedimentation And Erosion Control Plan” dated 12/7/05 – sheet E1
 4. Map titled “Luminaire Schedule” – Building’s #1 #2 and #3 (24 Units each) prepared by Reflex Lighting dated 7/3/12 – No. 40-64
 5. Maps of **Schematic Drawings** – “Typical Building Basement Level Plan” prepared by LaFreniere Architects Inc. dated 6/20/12 – sheet A1.01
 - “Typical Building First Floor Plan” dated 6/20/12 – sheet A1.1
 - “Typical Building 2nd Floor Plan” dated 6/20/12 – sheet A1.2
 - “Typical Third Floor Plan” dated 6/20/12 – sheet A1.3
 - “Typical Building Roof Plan” dated 6/20/12 – sheet A1.4
 - “Typical Building Elevations” dated 6/20/12 – sheet A2.1
 - “Exterior Sections And Details” dated 6/20/12 – sheet A3.1

S. Sullivan, PE, CCA, 40 Old New Milford Rd., was present.

Vice Chairman Blessey moved to set a Public Hearing for **40 & 64 Laurel Hill Road (The Residences at Laurel Hill) #201200588: Design Review for a proposed incentive housing project,**

for August 9, 2012, at 7:30 p.m. Commissioner Lynch seconded the motion, and it carried unanimously.

8. Tabled Items: None.

Commissioner Lynch moved to go to Agenda Item 9.a., **Informal Discussion re: 70 Candlewood Lake Road.** Secretary Lollie seconded the motion, and it carried unanimously.

9. Informal Discussion:

- a. 70 Candlewood Lake Road (Herons Spirit Shop): Jerry Damura – JMD Enterprises to Discuss possible addition to site – approximately 160 square feet.

Mr. Damura, 70 Candlewood Lake Road, Brookfield, was present. Plans for the addition of a 10' X 16' cooler to an existing wall were reviewed. It was noted that the current measurement to the road is 72 feet, and that the property sits in the RC41 zone. Mr. Damura advised that the property owner has no objection to this proposal. Commissioner Lynch suggested that Mr. Damura attempt to make the addition match the existing structure. Mr. Damura described the current configuration of the front of the building.

Vice Chairman Blessey or ZEO Dew will contact Mr. Damura and let him know if he will need a variance for any encroachment of the setbacks. Regardless, the application will be a site plan modification. Commissioner Cordisco inquired if the proposed increase in square footage would affect the parking requirements and it was noted that it likely would not, as the additional square footage is for storage. Mr. Damura inquired if the addition would be considered personal property or real property for taxation, and was advised that would be determined by the Tax Assessor.

*1. Convene Meeting

- a. Review Minutes of Previous Meetings: 6/14/12 - **Alternate Varda was a Voting Member for this item.* Secretary Lollie moved to approve the Minutes of the June 14, 2012 Meeting. Commissioner Varda seconded the motion, and it carried, 3-0-3, with Commissioners Cordisco, Lynch and Ziembicki abstaining.

6/28/12 – Not a sufficient quorum present.

10. Comments of Commissioners: Commissioner Lynch moved to add as Agenda Item 7.c., 99 Federal Road, Signage for “Saver’s”. Commissioner Cordisco seconded the motion, and it carried unanimously.

Acting and Vice Chairman Blessey moved to go to Agenda Item 7.c., 99 Federal Road, #201200596. Commissioner Lynch seconded the motion and it carried unanimously.

7. New Business (continued)

c. 99 Federal Road, Saver’s, #201200596, Additional Signage – ZEO Dew explained that the applicant wishes to utilize some of its allowed square footage for signage at the rear of the building, and for a sign over the redemption center, and a sign on the awning delineating the redemption center. Commissioner Lynch moved to approve 99 Federal Road, for the new Saver’s sign, at the rear of the building, and additional lettering on the awning and a sign above the awning delineating the redemption center, #201200596. ZEO Dew showed the plans for the

proposed signs. She also noted that the square footage for the signs is within the regulation's limits. Acting and Vice Chairman Blessey seconded the motion, and it carried unanimously.

Commissioner Lynch moved to add Item 7.d., 9 Spruce Drive, and 7.e., Request for Bond Reduction for #201000271. Acting and Vice Chairman Blessey seconded the motion, and it carried unanimously.

d. 9 Spruce Drive – Commissioner Lynch noted a letter in the Commissioner's packet from "Emily" of 9 Spruce Drive, requesting permission to put a sign on the neighbor's property, and indicating that the neighbor consented to this. ZEO Dew explained that this situation is not addressed by the regulations because the sign proposed is off premises, and is not a temporary event. Vice Chairman Blessey indicated that a directional sign would have to be 1.5 square feet. He noted the Commission's discretion in this matter. The Commission requested that "Emily" provide it with written documentation of the neighbor's consent.

Commissioner Lynch moved to authorize ZEO Dew to respond to "Emily" at 9 Spruce Drive, and to issue a permit, subject to written authorization from the neighbor owning the property that he/she has no issues with the sign, assuming that the neighbor will grant permission until the house is sold, or the neighbor withdraws his/her consent, whichever occurs first, and that the sign be no larger than three square feet, double-sided. Secretary Lollie seconded the motion. Commissioner Varda pointed out that the property owner of 9 Spruce Drive is not "Emily" but "J. Revilok". ZEO Dew explained the configuration of the road. Secretary Lollie inquired if the letter needed to be notarized and was advised it did not. Motion carried unanimously.

e. 14 Gereg Glen Drive, #201100271 – Request for Bond Reduction – ZEO Dew advised that the catch basin has been cleaned out, and the landscaping is completed. **Commissioner Lynch moved to recommend to the Board of Selectmen to approve the Request for Bond Reduction for 14 Gereg Glen Drive, Property ID #05411002, Application #201100271. Secretary Lollie seconded the motion, and it carried unanimously.**

11. Adjourn:

Commissioner Lynch moved to adjourn the meeting at 7:48 p.m. Commissioner Ziembicki seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for July 26, 2012****